

On motion of Senator Hardeman and by unanimous consent further consideration of H. B. No. 161 was postponed until the next House Bill Day.

Question—Shall the committee amendment to H. B. No. 161 be adopted?

Special Notice

Senator Fly gave notice that he would on Monday, move to suspend necessary rules to consider S. B. No. 222.

House Bills on First Reading

The following bills received from the House were read first time and referred to the committees indicated:

H. B. No. 102, To the Committee on Jurisprudence.

H. B. No. 182, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 188, To the Committee on Jurisprudence.

H. B. No. 189, To the Committee on Jurisprudence.

Recess

On motion of Senator Hardeman the Senate at 11:25 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

THIRTY-FOURTH DAY

(Continued)

(Friday, March 8, 1957)

After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Martin:

S. B. No. 372, A bill to be entitled "An Act to provide for the creation of Rural Fire Prevention Districts, prescribing the method of their creation including the requiring for a petition, hearing, and election thereon, providing for the governing body of the districts to be created as politi-

cal subdivisions of the State, and setting forth the duties of such body; prescribing the functions of the districts and conferring certain powers; prohibiting the levy of any taxes except with the prior approval of those qualified to vote in such elections; providing for tax rolls and assessor-collector of taxes; validating certain acts and the creation of districts heretofore sought to be organized and validating specific acts done by the Commissioners' Court in certain counties; providing a severance clause and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Fly:

S. B. No. 373, A bill to be entitled "An Act authorizing the Governor to transfer certain funds; and declaring an emergency."

To the Committee on Finance.

By Senator Fly:

S. B. No. 374, A bill to be entitled "An Act authorizing and directing the School Land Board of the State of Texas to charge an appraisal fee; providing that such fee shall be paid to the Commissioner of the General Land Office; providing for a refund of unused fees; providing that fees which are not refunded shall be deposited in the State Treasury in a Special Fund heretofore created; making an appropriation out of such fund; making the provisions of this Act cumulative; providing a savings and severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fly:

S. B. No. 375, A bill to be entitled "An Act relating to protected assignments of accounts receivable; amending subdivision (1) of Section 1 of Chapter 293, Acts of the 49th Legislature, as amended (Article 260-1, Vernon's Texas Civil Statutes), so as to change the definition of 'account' or 'account receivable' by deleting provisions excluding sums accruing to a contractor who has furnished a surety bond."

To the Committee on State Affairs.

By Senator Fly:

S. B. No. 376, A bill to be entitled "An Act to amend Article 8120 of the Revised Civil Statutes of Texas, 1925, as last amended, to authorize the Commissioners' Courts in certain

counties to pay Commissioners of Drainage Districts in such counties additional compensation and reimbursements; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Reagan:

S. B. No. 377, A bill to be entitled "An Act granting to the Willacy County Navigation District the power and authority to lease land; to sell land to governmental agencies; repealing all laws or parts of laws in conflict and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Fuller:

S. B. No. 378, A bill to be entitled "An Act amending Article 8224 of the Revised Civil Statutes of the State of Texas, 1925 prescribing the authority of the Navigation and Canal Commissioners of Navigation Districts created under Article 3, Section 52 of the Constitution of the State of Texas in relation to construction contracts in cases of public calamity or extreme emergency or unforeseen damage to property of such navigation districts, and providing for the procedure for contracts in cases of emergency, and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Kazen:

S. B. No. 379, A bill to be entitled "An Act amending Subsection (g) and Subsection (n), of Section 1, Article XVII, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended, to redefine the term 'distributor' and the term 'first sale' of motor fuel; amending Section 5 of said article; amending Section 5 of said article by adding new provisions thereto authorizing distributors to make sales of motor fuel tax free to wholesale dealers and jobbers holding valid permits as distributors, who purchase said motor fuel for taxable resale or distribution at wholesale; requiring taxes be collected and paid to this State on resales, distributions or uses of said motor fuel; providing for the keeping of records; providing for forfeiture of right to purchase motor fuel without payment of the tax for failure to make reports and

providing that the taxes collected tax remittances to the Comptroller; shall be for the use and benefit of the State of Texas and shall be conserved and paid to said state as provided by law; repealing conflicting provisions of law, and preserving taxes, penalties, interests, liens and bonds existing prior to amendments; containing a savings clause; fixing the effective date of said law, as amended, and declaring an emergency."

To the Committee on State Affairs.

By Senator Moffett:

S. B. No. 380, A bill to be entitled "An Act making an emergency appropriation for the payment of salaries of the citizen board members of the Veterans' Land Board; providing the method of payment and the effective date of the salaries; and declaring an emergency."

To the Committee on Finance.

By Senator Parkhouse:

S. B. No. 381, A bill to be entitled "An Act to amend Section 23 of Chapter 25, Act of the 39th Leg., 1925 (codified as Vernon as Article 7880-23, V.C.S.) by providing that all qualified voters shall have the right to vote in elections to confirm the organization of water control and improvement districts, validating organizational proceedings of water control and improvement districts and political subdivisions where the law required the holding of a confirmation election in accordance with the provisions of the general law governing water control and improvement districts, validating other proceedings pertaining to the issuance of bonds, validating bonds heretofore approved by the Attorney General of Texas, and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Wood:

S. B. No. 382, A bill to be entitled "An Act relating to professional sanitarians; providing for the establishment of a Department of Registration for Professional Sanitarians, and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training, and for issuance, renewal,

revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of 'sanitarium' in any public or private employment in this State unless the person employed is registered hereunder and providing a penalty for violation; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Wood:

S. B. No. 383, A bill to be entitled "An Act amending Section 1 of Article 3.50 of the Insurance Code, Acts 1951, 52nd Legislature, page 868, Chapter 491, as amended, relating to classes of group life insurance policies that may be delivered in this state, by adding thereto provision for an additional class of policy issuable to certain associations; and declaring an emergency."

To the Committee on Insurance.

By Senators Bradshaw, Roberts and Fly:

S. B. No. 384, A bill to be entitled "An Act establishing a department of mental health under the direction of a commissioner thereof; prescribing the qualifications of the commissioner and assistant commissioners, the method of their appointments and terms of office; transferring to the department the State mental hospitals and schools for the mentally retarded; describing the duties and responsibilities of the department; amending conflicting laws; and containing severability and emergency clauses."

To the Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 385, A bill to be entitled "An Act making an appropriation to pay the principal due thereon of a certain judgment obtained against the State of Texas in Cause No. 102,813, styled Sohio Petroleum Company v. The State of Texas, in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; providing that no interest shall be paid thereon; and declaring an emergency."

To the Committee on Finance.

By Senator Gonzalez:

S. B. No. 386, A bill to be entitled "An Act establishing standards of conduct for officers and employees of state agencies, legislators and legislative employees in the area of possible conflict between their private interests and official duties."

To the Committee on State Affairs.

By Senator Gonzalez:

S. B. No. 387, A bill to be entitled "An Act to be known as the Lobbyist Registration Act, concerning the regulation of persons who for compensation undertake to promote or oppose the passage of legislation by the Legislature or its approval or veto by the Governor; and declaring an emergency."

To the Committee on State Affairs.

By Senator Gonzalez:

S. B. No. 388, A bill to be entitled "An Act establishing a state minimum wage, providing certain exemptions, making employers liable to employees for unpaid minimum wages, prohibiting discrimination against employees for claiming under this Act; authorizing employee suits including provision for damages for loss of wages, for liquidating damages, for reinstatements, for recovery of costs and attorneys fees, establishing certain administrative procedures including rule making and process for witness and for obtaining documents and records, providing for enforcement and for penalties, and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Lane:

S. B. No. 389, A bill to be entitled "An Act amending Article IV, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (codified as Article 6687b of Vernon's Texas Civil Statutes), to add a new section providing for the issuance of an occupational license; providing for the payment of a fee for such license; providing for a court order relating to such occupational license; providing a penalty; and declaring an emergency."

To the Committee on State Affairs.

By Senator Gonzalez:

S. B. No. 390, A bill to be entitled "An Act amending Acts 1891, p. 55, ch. 51, sec. 4, as codified in Article 6450, Revised Civil Statutes, 1925, so

as to allow the Railroad Commission to adopt rules and regulations to govern its proceedings, investigations, hearings, and to require it to do so in cases of applications by railroad companies for approval of actions affecting their employees; providing minimum requirements for such rules and regulations in such cases; providing severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 391, A bill to be entitled "An Act to amend Article 476 of the Penal Code of the State of Texas, 1925, to provide that whoever uses any telephone in any manner with intent to harass, annoy, torment, abuse, threaten or intimidate another shall be guilty of a misdemeanor, and upon conviction shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for not less than one (1) month nor more than twelve (12) months, or by both such fine and imprisonment."

To the Committee on Jurisprudence.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 8, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 22, Memorializing the Congress to propose an amendment to the Constitution of the United States relative to taxes on incomes, gifts and inheritances and to provide limitations on taxes so levied, and to repeal the Sixteenth Amendment to the Constitution of the United States.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 39

Senator Aikin offered the following resolution:

S. C. R. No. 39, Requesting the Legislative Council to study problems and needs of physically handicapped and mentally retarded youth of Texas.

Whereas, Certain problems and needs of the physically handicapped and mentally retarded youth in the State of Texas are statutory responsibilities of several state agencies and are as well of major interest and concern to parents, lay and professional persons, units of local government, public schools, and charitable organizations; and

Whereas, These agencies and groups are endeavoring to provide to a degree, independently of one another, services to meet the problems and needs of these youth; and

Whereas, Providing services for the physically handicapped and the mentally retarded youth in our state is primarily and fundamentally a health function of the state and local communities; and

Whereas, It appears desirable and necessary that a complete and thorough study be made of all related problems concerning education, training, care and treatment of the physically handicapped and the mentally retarded youth in order to coordinate to the best advantage work of the various individuals, agencies and groups involved; now therefore be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be and it is hereby requested to make this study which shall specifically include the following:

1. A determination of the extent and scope of the needs and problems of the physically handicapped and the mentally retarded youth in the State of Texas and the extent to which these needs and problems are being met.

2. An examination of existing facilities, both public and private, for the education, training, care and treatment of these youth.

3. Recommendations concerning the improvement expansion, and coordination of all these facilities in the light of the best interests of the persons involved, the local communities and the state.

4. The making of a full and concise report concerning its investigation and recommendations, if any, for legislative or other action to the 56th Legislature.

Be it further Resolved, That the Legislative Council be directed to appoint an Advisory Committee to as-

sist in this study, said committee to consist of persons who by virtue of their training, ability and experience in the fields of public welfare, education, psychology, medicine and state government are able to give advice on the education, training, care and treatment of the physically handicapped and the mentally retarded youth; and be it further

Resolved, That state officials and employees requested to give information and aid to the Legislative Council in this study are hereby specifically requested so to do.

The resolution was read and was referred to the Committee on Education.

Senate Resolution 201

Senator Owen offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. David Waters of Arlington, Virginia; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented Mr. Waters to the Members of the Senate.

Senate Resolution 202

Senator Owen offered the following resolution:

Whereas, The Boys Basketball Team of Pecos High School, in Reeves County, Texas, as champions of their District, are presently competing in the State Class AAA Conference Meet to be held in Austin presently under way in the Capital City this the 8th day of March; and

Whereas, This team has been guided to this championship and inspired by John W. Kenner, its coach; and

Whereas, The individual members of this team have each contributed

his measure of valor, sportsmanship and honor to the Team's endeavors; and

Whereas, The Senate of the State of Texas should take this opportunity of congratulating this team and in this manner showing its praise; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the coach and each of the fine young men constituting the Pecos High School Basketball Team be welcomed to the Capital City and the Senate, and be supported in its contest.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented the students and Mr. Kenner to the Members of the Senate.

Senate Resolution 203

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Dr. and Mrs. M. P. Spearman of El Paso, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

House Concurrent Resolution on First Reading

The following resolution received from the House was read first time and referred to the committee indicated:

H. C. R. No. 22, To the Committee on State Affairs.

Adjournment

On motion of Senator Aikin the Senate at 11:42 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, March 11, 1957.